

HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
HON'BLE SRI JUSTICE P. LAKSHMANA REDDY

-
WRIT PETITION No. 25425 of 2006

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Date: 6.12.2006

Between:

Guthikonda Bullaiah, S/o. Somaiah,
Aged 73 years, Assistant Engineer, (Retd.)
R/o. Kaviraja Park Road,
Nandulapet, Tenali, Guntur District.

Petitioner.

And

1. The Government of A.P. represented by its
Secretary, I & CAD (Ser-VI) Department,
Secretariat, Hyderabad and another.

Respondents.

**THE HON'BLE Smt. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE P. LAKSHMANA REDDY**

-
Writ Petition No. 25425 of 2006

ORDER: (Per Smt. T. Meena Kuamri,J)

Heard Sri K. Ananda Rao, learned counsel for the
petitioner and the learned Government Pleader for
Irrigation & Command Area Development for the respondents.

This writ petition is directed against order dated 3.8.2006 of the A.P. Administrative Tribunal, Hyderabad, in O.A.No.249 of 2006, whereby the Tribunal dismissed the application filed by the petitioner seeking interest on delayed payment of retiral benefits. From the record, it would appear that the writ petitioner herein filed the above O.A. before the Tribunal seeking interest on delayed payment of retiral benefits. The case of the writ petitioner was that he was imposed with a punishment of cut in pension by 10% vide G.O. Ms. No.1139, dated 17.11.1975. Questioning the said order, the writ petitioner filed O.A. No. 5460 of 1996 before the Tribunal and the same was allowed and the order dated 17.11.1975 was set aside. Being aggrieved by the said order, the respondents filed Writ Petition No. 15805 of 1999 before this Court; whereas the writ petitioner filed Writ Petition No. 15569 of 1999 seeking implementation of the orders passed by the Tribunal in O.A. No. 5460 of 1996. Through a common order dated 10.8.1999, this Court allowed W.P. No. 15569 of 1999 filed by the writ petitioner and

dismissed W.P. No. 15805 of 1999 of the respondents and directed the respondents to give effect to the order of the Tribunal and release the retirement benefits like pension, gratuity etc, without any deductions and compute them and pay them to the petitioner within two months from the date of the said order. Since the respondents implemented the said order of the Tribunal after a long time and paid the retirement benefits to him very belatedly, the writ petitioner filed O.A. No. 2967 of 2004 before the Tribunal seeking interest on those retirement benefits. The Tribunal, dismissed the above O.A. by the order impugned in this writ petition. Feeling aggrieved, the petitioner preferred the present writ petition.

Learned counsel for the petitioner would contend that since the respondents implemented the order of the Tribunal very belatedly, the petitioner is put to lot of hardship and mental agony and the respondents have not shown any diligence in settling his retirement benefits of the petitioner. He, therefore, prayed that the writ petition be allowed and a direction be issued to the respondents to pay interest on the retirement benefits to the petitioner.

On the other hand, the learned Government Pleader supported the impugned order passed in O.A. No. 2967 of 2004, dated 3.8.2005 and submitted that the same does not require any interference at the hands of this Court.

Admittedly, there is delay in paying the retirement benefits to the petitioner. Since the petitioner has been suspended from service, certainly it would take some time in regulating the period of suspension, fixing the pay of the petitioner and in processing the

papers. Further, the delay on the part of the respondents in paying the retiral benefits is neither willful nor wanton. In the circumstances, the Tribunal was justified in dismissing the O.A. filed by the petitioner. Hence, we do not find any reason to interfere with the impugned order of the Tribunal dismissing the O.A.

The writ petition is accordingly dismissed. No order as to costs.

Date: 06.12.2006

T. MEENA KUMARI, J

Pnb

P. LAKSHMANA REDDY, J